

EXHIBIT “A”

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

DONNA DESENA,

Plaintiff,

-against-

TARGET CORPORATION, HEMPSTEAD
TURNPIKE LLC AND DAVID MINKIN MANAGEMENT
CO., INC.

Defendants.

X Index No.: 607928/20

Plaintiff designates
Nassau County as
the place of trial.
The basis of venue
is plaintiff's residence.

SUMMONS

Plaintiff resides at:
1167 Roland Avenue
Wantagh, New York

To the above named Defendant(s):

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is completed if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: Garden City, New York
July 28, 2020

BY: 
ROBERT MORICI
MORICI & MORICI, L.L.P.
Attorneys for Plaintiff
1399 Franklin Avenue
Garden City, New York 11530
(516) 873-1902

Defendants' Address(es):

Target Corporation
3850 Hempstead Turnpike
Levittown, New York 11756

Hempstead Turnpike, LLC
c/o Rosenbloom & Hofflich
15 Maiden Lane - Ste 600
New York, New York 10038

David Minkin Management Co., Inc.
97-14 63rd Road
Rego park, New York 11374



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X
DONNA DESENA,

Plaintiff,

**VERIFIED
COMPLAINT**

-against-

TARGET CORPORATION, HEMPSTEAD TURNPIKE
LLC and DAVID MINKIN MANAGEMENT CO., INC.,

Defendants.
-----X

Plaintiff, by her attorneys, MORICI & MORICI, LLP, complaining of the
defendants, respectfully alleges:

1. That at all times herein mentioned plaintiff, DONNA DESENA, was
and still is a resident of the State of New York, County of Nassau.
2. Upon information and belief, defendant, TARGET CORPORATION,
was and still is a Foreign business corporation duly organized, existing and
authorized to be business in and by virtue of the State of New York.
3. Upon information and belief, defendant, HEMPSTEAD TURNPIKE,
LLC, was and still is a domestic limited liability company duly organized and
existing under and by virtue of the laws of the State of New York.
4. Upon information and belief, defendant, DAVID MINKIN
MANAGEMENT CO., INC., was and still is a domestic business corporation
duly organized and existing under and by virtue of the laws of the State of New
York.

5. At all times hereinafter mentioned, defendant, HEMPSTEAD TURNPIKE LLC, owned, operated, controlled, maintained and supervised the premises located at 3850 Hempstead Turnpike, Levittown, New York.

6. At all times herein mentioned, defendant, TARGET CORPORATION, was a tenant of the premises located at 3850 Hempstead Turnpike, Levittown, New York and, as such, was in control and supervision of the aforementioned property.

7. At all times hereinafter mentioned, defendant, DAVID MINKIN MANAGEMENT CO., INC., was the management company responsible for the maintenance of the parking lot and cart return areas located at 3850 Hempstead Turnpike, Levittown, New York.

8. At all times herein mentioned, plaintiff, DONNA DESENA, was a patron at the premises located at 3850 Hempstead Turnpike, Levittown, New York

9. At all times hereinafter, the premises and cart return areas located at 3850 Hempstead Turnpike, Levittown, New York was and is open to the public and is in constant use by the public, patrons, agents, servants and/or employees of the above mentioned corporation.

10. At all times hereinafter mentioned, it was and still is the duty of the defendants, their agents, servants, and/or employees to properly maintain, inspect, control, repair and supervise the parking lot area/cart return areas and maintenance thereat and to properly inspect the aforementioned premises so that it is in a safe condition for patrons to pass along and use without injury.

11. On or about March 24, 2019, at approximately 1:00 p.m. while plaintiff, DONNA DESENA, was lawfully a patron at the aforementioned location and solely through the negligence of the defendants as herein alleged, she was caused to trip and fall over a cart return railing without fault on her part, sustaining serious and permanent personal injuries.

12. The aforesaid occurrence was caused solely by reason of the carelessness and negligence of the defendants, their agents, servants and/or employees in the maintenance, control, repair and supervision of the parking lot area specifically the shopping cart return area and without any negligence on the part of the plaintiff contributing thereto.

13. The negligence of the defendants, their agents, servants and/or employees consisted, among other things, of the following:

- a) In negligently permitting the shopping cart return areas in the parking lot to remain unsecured, hazardous and dangerous condition;
- b) In failing to secure and properly install and repair the railings of the shopping cart return area so that they were stable;
- c) In failing to properly install, maintain and repair the cart return area;
- d) In failing to take any precautions for the safety of this plaintiff and others lawfully upon such parking lot and shopping cart return area;
- e) In causing and creating a trip and fall hazard at the shopping cart return area at the aforementioned premises;

f) In allowing and permitting the shopping cart return area in the parking lot to become and remain unsecured, hazardous, unsafe and in a dangerous condition for a long period of time with knowledge thereof;

g) In knowing and not acting or in failing to know and foresee when it should have reasonably been known and foreseen that the foregoing condition would create a substantial risk of personal injury to patrons, and users and members of the general public and more particularly the plaintiff, DONNA DESENA, at the time and place aforesaid;

h) In failing to properly train employees in the proper inspection, repair and maintenance protocol for shopping cart return areas;

14. The accident and resultant injuries were caused solely by reason of the negligence of the defendants, and the plaintiff, DONNA DESENA, was in no way negligent.

15. As a result solely of the defendants, aforesaid negligence and without any negligence on the part of the plaintiff, DONNA DESENA, sustained serious injuries and was rendered sore, sick, lame and disabled, all of which are permanent in nature, and said plaintiff was caused to incur pain and suffering, lost earnings, hospital, medical and medicine expenses past, present and future in a sum in excess of the jurisdictional limits of the lower Courts of the State of New York, that would otherwise have jurisdiction over this matter together with the costs and disbursements of this action.

WHEREFORE, plaintiff demands judgment against the defendants in a sum in excess of the jurisdictional limits of the lower Courts of the State of

New York that would otherwise have jurisdiction over this matter together with the costs and disbursements of this action.

Dated: Garden City, New York
July 28, 2020


MORICI & MORICI, L.L.P.
BY: ROBERT MORICI
Attorneys for Plaintiff
1399 Franklin Avenue
Garden City, New York 11530
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